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10/516,678	12/03/2004	Mitsutoshi Shinkai	450100-05033	6633
7590	11/14/2008		EXAMINER	
William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			DANG, HUNG Q	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

Applicant's arguments filed 10/24/2008 have been fully considered but they are not persuasive.

On pages 8-9, Applicant argues that, Brook and Tezuka do not disclose the limitation of "recording a third data series arranged at random independently of first and second data series which are periodically arranged in a circumferential direction of an optical disk in the form of annular rings" as claimed.

In response, the Examiner respectfully disagrees.

In [0290], Brook discloses recording a third data series which comprises metadata files. In [0151], Brook also disclose the third data series comprises scene meta-data including white balance, focus and focal length information, operating mode information etc. that do not require real-time characteristic for the data series of video or the data series of audio associated with the video. Further, in Brook, there is no relationship regarding physical arrangements specified in advance for the first, second, and third data series. For example, in [0135] Brook describes the analysis of captured video and audio data, generating and storing meta-data occur in a random manner ("for every shot stored on the MOD"). According to Brook's description, one of ordinary skill in the art would recognize that the length of each shot can be represented with a random variable or in a random process that would make the timings and durations of the recording of the first, the second, or the third data series unpredictable. Also, one of ordinary skill in the art would recognize that telling in advance at which sectors or tracks on the disk the first, the second, or the third data series would be recorded is

impossible. In other words, the third data series is arranged at random independently of first and second data series.

Tezuka is relied upon to disclose a storage medium to be an optical disk and the data are arranged in a circumferential direction of the optical disk in a form of annular rings (Fig. 1; column 1, lines 15-42; column 3, lines 29-33; column 6, lines 30-37).

When the randomness of recording disclosed in Brook is combined with recording onto an optical disk in which data are recorded in a circumferential direction of the optical disk in a form of annular rings, the limitation of "recording a third data series arranged at random independently of first and second data series which are periodically arranged in a circumferential direction of an optical disk in the form of annular rings" is fully disclosed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

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